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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,919	06/27/2003	Stanley J. Riske	AIR-103-A	7038

7590 10/21/2004

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EXAMINER

VRABLIK, JOHN J

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,919

Applicant(s)

RISKE, STANLEY J.

Examiner

John J. Vrablik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11 September 2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

The drawings are objected to because Fig. 2 does not show numerals 50 to the shank and 52 to the threads of the connecting pin 48. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Page 6, last line should be deleted because it is a duplicate of line 1 on page 7.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: In line 11, "frictional releasably" should be --frictionally releasable--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by either Schneider (Fig. 4) or Song et al. (Song) (Fig. 16). Each of the references shows a clutch for an oscillating fan characterized by its ability to automatically adjust to zero oscillation upon restraint, comprising a fan motor having a drive shaft (12 in Schneider and 48 in Song) rotating in a given direction about a first axis; a bell crank (14 in Schneider and 34 in Song) mounted upon the drive shaft for rotation therewith about the first axis of rotation; an oscillating lever drive pin support (15 in Schneider and 32 in Song) rotatably adjustably mounted on the bell crank about a second axis of rotation (18 in Schneider and the central axis of 32/34 in Song) radially offset and parallel to the first axis of rotation; an oscillating lever drive pin (21 in Schneider and 38 in Song) mounted on the lever drive pin support adopted to be affixed to a fan oscillating lever (22 in Schneider and 56 in Song), the pin having a third axis radially offset from the second axis a distance equal to the offset of the second axis from the first axis; indexing means (26 in Schneider and 88 in Song) interposed between the bell crank and the pin support

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permitting relative indexing rotation there between about the second axis to adjust the eccentricity between the first and third axis; and frictionally releasable means (28, 29 in Schneider and 82, 84 in Song) operatively associated with the indexing means permitting the degree of eccentricity between the first and third axis to automatically adjust in accordance with the degree of restraint imposed upon the fan oscillation (claim 1); wherein spring means (28 in Schneider and 82 in Song) bias the frictionally releasable means for the indexing means toward a locked operative condition and release the indexing means upon restraint of the pin support attaining a predetermined degree (claim 2); and wherein the indexing means comprise cam surfaces (29 in Schneider and 84 in Song) (claim 3).

In the above references, in the event that during oscillation the fan structure, motor housing, or fan guard engages a fixed object, or relatively fixed object, a torque is immediately applied to the pin support by the oscillating lever. This torque, which will prevent further rotation of the pin support, causes the detent (29) in Schneider or the balls (84) in Song to ride out of their associated recesses and automatically adjust the rotation between the bell crank and pin support to reduce the degree of oscillation as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Song in view of Jordan (Fig. 8). The claim differs from Song by reciting that the indexing means of spherical balls are received in semi-spherical recesses as opposed to Song where spherical balls (84) are received in non-semi-spherical recesses (88). Jordan teaches having indexing means comprising spherical balls (67) between a bell crank (58) and a drive pin support (57) which are biased together by a spring (76), the balls being received in semi-spherical recesses (66) in the drive pin support. It would have been obvious to one having ordinary skill in the art to make the recesses of Song semi-spherical, as taught by Jordan, to provide a more stable seat for the spherical balls and increase the frictional holding power of the indexing means.

Allowable Subject Matter

Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

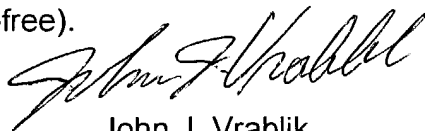
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fagg and Livermont further disclose clutches which will automatically adjust at a predetermined torque.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Vrablik whose telephone number is (703) 308-

2629, after November 22, 2004 the number will be (571) 272-4869. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (703) 308-2623, after November 22, 2004 the number will be (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Vrablik
Primary Examiner
Art Unit 3748

jiv